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**COMMISSION ON AFFORDABLE HEALTH CARE**  
**MINUTES**  
**Nov. 10, 2014**

**Meeting Location:** COPIC, 7351 E. Lowry Blvd, Denver, 80230

**Time:** 12:30 – 3:30 PM

**Attendance:** Larry Wolk, Jeffrey Cain, Marcy Morrison, Linda Gorman, Chris Tholen, Dorothy Perry, Bill Lindsay, Cindy Sovine- Miller, Steve ErkenBrack, Greg D’Argonne, Marguerite Salazar, and Elisabeth Arenales (by phone).

Absent: Rebecca Cordes

Also in attendance was Eric Kuhn, Assistant Attorney General.

**Meeting:**

**I. Approval of Minutes**

- a. The Minutes for September 22 were presented in a revised format, for review by the Commissioners. These had been approved in the October 27 meeting.
- b. Minutes from October 27 were presented.
  - i. Linda Gorman noted that Page 3, “Add *Majority* Opinions” needed to be revised to reflect “*Minority* Opinions”
  - ii. Approved Minutes
- c. Bill Lindsay presented a redline copy of the By-Laws to reflect all of the changes agreed to on October 27<sup>th</sup>. He then asked for a clarification from the Commission. He said the Minutes and his notes from October 27 regarding the voting for officers (Section V.(b) were conflicting. Should the By-laws permit an excused absence from voting for officers in the case of an emergency? The Commission concurred that absences for unforeseen emergencies should be allowed, thus not all Commissioners would have to be present for the vote to take place.

**II. Staffing for the Commission; update and discussion**

- a. Bill Lindsay distributed a list of staffing functions needed by the Commission and asked for input.
- b. Bill noted that the search for staffing needs to be a quick process. This need for support is slowing our progress.
- c. Bill noted that the roles were divided into three categories. The first of these is “Support”. This includes several basic or fundamental services, minutes, staffing committees, processing reimbursements, etc.
- d. The second is that of the “Administrator”. This person would be responsible for: managing and coordinating the work of the Commission, serving as a liaison between the working Committees, being point of contact for the media and legislature, retaining all records, etc.

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- e. The third role would be “Research and Technical Analysis.” This role would include: help Commission identify sources of information to inform and guide its work, identifying potential speakers, research into what other states have done and what Colorado has specifically done
- f. Bill noted that the process for selecting the staff will be put out in a Request For Information (RFI). The ultimate arrangement will be contract based through CDPHE, and not an employment situation.
- g. Ira Gorman asked to verify that the Commission’s budget is \$400,000 over two years. Bill Lindsay replied it is over three years but we hope to get additional funding from the Legislature. This will be especially important for the cost of the statewide meetings.
- h. Larry Wolk noted that communications is an important component of the work and it might be wise to consider a separate, external staff person for this work.
- i. Greg D’Argonne noted that it will be important for the Planning Committee to prepare the RFI before the holiday. He noted that once we get close to Thanksgiving it will be hard to get people’s attention.
- j. Dorothy Perry noted that if the Legislature wants a quality product, they may need to increase the budget. In the initial report there should be a section on the Commission’s budget and the need for additional funding
- k. Linda Gorman commented that with the amount of education in the Commission she is not certain we need to use the tax payer dollars for researchers. Bill Lindsay commented that he has a serious concern about the time commitment from the Commission members without adding technical research to those duties. He suggested a Research Committee might be formed to address research and that Committee might be able to direct staff in this regard.
- l. Jeffrey Cain noted that in the statute there is a reference to the potential for the Commission seeking more funds, in the future. He also noted that one of the duties listed for the Administrator is to seek grants, and if that is positive, it would help.
- m. Ira Gorman asked if the existing funds will roll over after year one. Bill Lindsay said that had been researched, and they will.
- n. Steve ErkenBrack noted that communications does not need to be carved out but could be tied to the Administrator, and the Researchers who would be there to communicate the data and not just collect it
- o. Bill Lindsay noted that the description that was distributed did not clarify that the staff would also be writing the actual reports, on behalf of the Commission.
- p. Bill indicated that, per the direction given in the last meeting, the Interim Planning Committee will develop and distribute the RFI. They will then vet the responses, conduct interviews and can come back to the full Commission with recommendations.

### III. Preliminary Work Plan for the Commission

### DECISION ITEM

- a. Bill Lindsay then directed the Commission’s attention to charts that had been prepared highlighting the Commission schedule, by month, and when the reports are due to the Legislature. He noted that November, 2015, the date of the first report, will be here before we know it. He noted that reports to the General Assembly are due November 2015, November 2016, and June 2017.

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- b. Bill then directed the Commission's attention to the draft, preliminary work plan, which was prepared by Cindy Sovine-Miller for the Interim Planning Committee: He then asked Cindy to review the work. She commented:
  - i. Statute's requirements are numerous thus it became difficult to get everything together in a simple format
  - ii. The work plan document mirrors the scope of work referenced in the legislation for the Commission
  - iii. She noted the need to accomplish many issues, state wide listening tours, and then make preliminary recommendations
  - iv. She asked how this can be best accomplished. She proposed:
    - 1. Year 1 – staffing, set up, series of listening tours
      - a. Tour each Congressional district
      - b. One tour per month
      - c. Relevant speakers would be invited to these meetings to present.
      - d. There would be specific themes within the districts.
      - e. She emphasized the need for “listening” before making recommendations.
      - f. Bill Lindsay mentioned that the cost drivers need to be identified early on so the real work can be executed
      - g. Elisabeth Arenales noted that she is concerned with the amount of work that the working plan will require in a short period of time. She commented that the logistical issues with doing statewide meetings are significant. She also noted that the Commission needs to be mindful of regional cost issues which may be different than more general or overall factors
      - h. Dorothy Perry noted that using this calendar, when we finish the seventh tour there is not much time to process and reflect on tour before submitting the report to the General Assembly.
      - i. Cindy Sovine Miller said this schedule will not preclude us from working on the report as we progress and thus by the October meeting there should be an almost final draft of the report.
      - j. Cindy asked how many members need to be at the tours, versus the entire Commission, but suggested at least a quorum would be needed if we are also to conduct regular Commission business.
      - k. Dorothy Perry asked if we could do double tours per month to accelerate the process. She also noted that getting a schedule out soon would help scheduling for Commission members.
      - l. Elisabeth Arenales suggesting combining tours with monthly meetings, but also discussed dividing the Commission to specific Commissioners to different regions and then providing for reporting back to the Commission on key findings.

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- m. Bill Lindsay noted that if we combine statewide meetings with Commission meetings, it is likely these meetings will last all day.
- n. Linda Gorman suggested that the day time meetings may limit some of the audiences and a written communication option should be available for the different regions. Her concern is that day time meetings will make it hard for small business owners and many workers to attend. She suggested night meetings and providing for written comments to be submitted via the Internet as well.
- o. Jeffrey Cain commented that we also need to build in a stakeholder process. Bill Lindsay commented that he hopes the various Committees will provide for that important input.
- p. Chris Tholen stated that as we go out to the regions/ districts the attendees will also then be able to take part in the Commission meeting.
- q. Bill Lindsay noted that we need to be clear on the expectations we set for this first report. He said we may be better off reporting on our processes rather than trying to force recommendations before we are ready. He said he doubted we will be at the point of recommendations by November 2015.
- r. Ira Gorman noted that at our initial meeting we discussed this first report and agreed that it would be an introductory report and he is most comfortable with that approach.
- s. Elizabeth Arenales stated that if time is spent getting community input then everyone should understand how the subsequent research and analyses will help to amplify those messages. She emphasized that as we enter Phase One of information gathering and data gathering – we cannot lose sight of the big picture.
- t. Marcy Morrison commented that she has had several conversations about this. She feels the danger can be that the listening tour is often not connecting with the decision makers or “listeners.”
  - i. How to get those in communities to reengage?
  - ii. Maybe need to do some digging and some thoughts on the table and get the communities reaction on what is on paper; ask for their input on specifics not just take comments people have.
  - iii. Marcy is also comfortable with separating the full Commission for the regional tours.
- u. Greg D’Argonne noted that maybe we should open the discussion to the regional constituents. He agreed that we may need to meet in the evening as well.

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- v. Bill Lindsay noted that we need to have some activity in the out-state areas so the public and the elected officials can see the Commission is doing effective work, and things are happening. That may be necessary to secure funding.
- w. Linda Gorman said we have two months to spend on the initial process and need to look at what already has been done.
- x. Bill Lindsay commented about the need to begin the data search and identification right away.
- y. Cindy Sovine-Miller said maybe a subcommittee should be formed on data sourcing, searching and collecting. She also noted that defining the cost drivers per region may be important.
- z. Marcy Morrison noted that the Commission should seek to get some real substance early in the year and then build consensus with the group before touring. She warned that we should avoid some of the same discussions that have already been had. People will be frustrated when we just ask for comments. They have already provided their input previously.
- aa. Ira Gorman said we need to compress time; need to start earlier. He also noted that we need to define expectations on the interim report.
- bb. Elisabeth Arenales said she agrees with Marcy Morrison on preparing before the listening tour. We need to have things people can react to, and comment on.
- cc. Dorothy Perry said we could meet with communities in the evening and then meet the next morning. She would like to see us structure the meetings to focus on the feedback and immediately process those the next morning
- dd. Bill Lindsay said it may not be possible to do this because of the need for overnight stays, and the cost of that added expense.
- ee. Bill Lindsay added that the Interim Planning Committee should get back together to come up with a more concentrated timeline; with potential dates and locations, then frame what the interim report will look like and define expectations for the interim report
- ff. Cindy Sovine-Miller said we can condense the timeline with tours all to be done before November, 2015.
- gg. Dorothy Perry said the budget needs to be discussed for overnights and dinners for the suggested evening meetings
- hh. Greg D'Argonne said the tours should all be completed in the summer. This will help with travel planning and logistics.

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- ii. Bill Lindsay then asked what the initial report should consider – what should be included:
  - i. Commission’s Process
  - ii. Why we have done what we have done
  - iii. Where we are going and the expected timeline
  - iv. Give some examples on what drives the costs but no need to provide solutions
  - v. To give comments regarding how complex the issue is and stress how thorough the recommendations will need to be.

### IV. **Public Comment**

- a. Ken Connell, Thornton
  - i. Trying to figure out the logic model for the best work plan.
  - ii. A combination of Legislation, scope of work, and work plan will fulfill the process.
- b. Linda Gorman commented that she is unclear why there is a theory about differing cost drivers in different communities, and how these cost drivers operate in the state. She said we will need to weed out what is real data and what has been done already and what is myth in the cost drivers. The Commission needs to identify what the cost drivers are throughout the state.
- c. Ryan Biehle, Colorado Health Initiative
  - i. He is interested in the proposed timeline for the listening tour. He suggested that the Commission will have a more meaningful discussion if you get more of a reaction instead of the same discussion.
  - ii. He also suggested that setting up the right committees will be important to getting the work done.
    - 1. “Person-power” is important to help with expertise per area
  - iii. Bill Lindsay noted the Commission needs to identify the committees/subcommittees and structure their responsibilities.
- d. Victor Doukay
  - i. He said he has a process question: it seems a lot of energy will be put towards the listening tours. He said this prompts a series of questions.
  - ii. What do you want to get out of the tours?
  - iii. It will be important to get input from stakeholders per region but also collect data per region and use that data to inform the discussion.
  - iv. He said that prior to October 2015, the Commission may want to get legislator feedback as well.

### V. **Amendment 41’s Application to the Commission** **DECISION ITEM**

- i. Bill Lindsay noted that the Commission has had discussions on the needs for transparency and ethical conduct that places the Commission, and its work, above reproach. He noted that at the last meeting it was agreed that we should take reference to Amendment 41 out of the By-Laws and put it into its own, separate document.
- ii. Bill distributed a draft document that the Interim Planning Committee developed for this purpose.

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- iii. Bill reminded the Commissioners that Amendment 41 does not impact the voting members of this Commission. However, in the sense of propriety, we should have our own statement about ethical conduct. He asked, how should the commission handle the Amendment 41 issue?
  - 1. Marguerite Salazar said she wanted to let the public know that we take these matters seriously. However, she said that the Legislature didn't say Amendment 41 compliance should be a requirement for the Commissioners
  - 2. Steve ErkenBrack said that maybe the language could just say "if in the official capacity as a Commissioner." He suggested we strike what is after the comma
  - 3. Cindy Sovine-Miller noted if we do end up with an overnight visit and a group wants to sponsor that, is this a conflict we should be aware of?
  - 4. Bill Lindsay said not having an Amendment 41 policy will not be viewed positively by the public, and others. He urged the Commission to adopt a policy.
  - 5. Marcy Morrison commented that the information that some of the forums may provide is almost always valuable and the Commission shouldn't have to miss out on these opportunities because some other entity or person is sponsoring the session.
  - 6. Jeffrey Cain noted that it is important that we have a position, but he stated that it doesn't have to be as strict as applies to elected officials, etc.
  - 7. Linda Gorman commented that CHI has just invited the Commission to attend their "Hot Issues In Health Care" annual meeting, in Colorado Springs. She said this is a good example. In her view, for specific meetings that the entire Commission is invited to, maybe CHI should be able to donate the funds and then allow the Commission to pay its own way, instead of getting the admission fee donated.
  - 8. Steve ErkenBrack said he suggests taking out the clause as written, and adding a clause for disclosure.
  - 9. Greg D'Argonne asked how this issue relates to general fundraising for the Commission.
  - 10. Bill Lindsay said there will need to be disclosures of all donors and events could also be necessary. He feels that at least the policy should be outlined in such a way as to avoid the technical issues that exist today with the Amendment.
  - 11. Elizabeth Arenales stated that she would be more comfortable with specific guidelines and required disclosure.
  - 12. Bill Lindsay noted that the Conflict of Interest form already calls for disclosure, and wonders if that is sufficient.

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## VI. **Public Comment**

- a. Joe Hanel, CHI
  - i. They did seek an advisory opinion from the State Ethics Commission on inviting elected officials to the “Hot Issues In Health Care” conference, and no concerns were indicated.
  - ii. The Commission’s approach sounds reasonable and the approach to pre clear members of Amendment 41 conflicts makes sense.

## VII. **Vote**

Bill Lindsay asked for a Motion, which was made and Seconded.

- a. “Members of the Commission shall avoid conduct that is in violation of the public trust placed in them.” shall be the revised wording.
- b. The Motion passed but with two members in opposition to the Motion and its revised language.
- c. Steve ErkenBrack noted that regular and ongoing disclosures could be burdensome on the Commissioners.
- d. Elizabeth Arenales said she would like more time to figure out Amendment 41 type disclosure. She will take this to the Planning Committee.

## VIII. **Conflict of Interest Forms**

Bill Lindsay asked the Commissioners to remember to complete the Conflict of Interest forms that had been distributed, and then go to the Secretary of State’s website to complete the state’s form as well. Guidance on the Secretary of State’s form had been provided to the Commissioners in October.

- a. Commissioners can seek clarifications if needed from the Attorney General.
- b. Please be sure to also register at the Secretary of State’s website.

## IX. **Public Comment**

There was no additional public comment.

## X. **Adjournment**

The Commission adjourned at 2:35 PM.